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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,102	08/01/2007	Jurgen Magnus	102134-24	7175
27388	7590	10/13/2010	EXAMINER	
Hildebrand, Christa			PASCUA, JES F	
Norris McLaughlin & Marcus PA				
875 Third Avenue, 8th Floor			ART UNIT	
New York, NY 10022			PAPER NUMBER	
			3782	
			MAIL DATE	
			DELIVERY MODE	
			10/13/2010	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,102	Applicant(s) MAGNUS, JURGEN	
	Examiner Jes F. Pascua	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,141,336 to Sander and U.S. Patent No. 4,103,487 to Soto.

Sander discloses the claimed device except for the fold-over flap being connectable with an outer surface of the other side section by a closure element which extends across the entire width of the carrying bag. Soto discloses that it is known in the art to provide a closure element (45) which extends across the entire width of an analogous carrying bag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the carrying bag of Sander with a closure element which extends across the entire width of the carrying bag, as suggested in Soto, in order to connect the fold-over flap with the outer surface of the other side section.

Regarding claim 6, Sander discloses a carrying bag for foodstuffs, which is considered to encompass using the Sander carrying bag for carrying frozen foods.

3. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,141,336 to Sander and U.S. Patent No. 4,103,487 to Soto as applied to claim 1 above, and further in view of U.S. Patent No. 4,515,840 to Gatward.

Sander and Soto disclose the claimed device, as discussed above, except for each side section comprising an inner foam layer and an outer insulating layer, each of the layers having respective edge portions, with the inner foam layer and the outer insulating layer being welded together along their respective edge portions and forming an insulating air chamber therebetween, wherein the inner foam layer and the outer insulating layer are glued together by adhesive joints distributed according to a freely selectable two-dimensional pattern so as to form several cushion-shaped, insulating air sub-chambers. Gatward discloses that it is known in the art to provide a carrying bag for foodstuff wherein each side section comprising an inner foam layer and an outer insulating layer, each of the layers having respective edge portions, with the inner foam layer and the outer insulating layer being welded together along their respective edge portions and forming an insulating air chamber therebetween, wherein the inner foam layer and the outer insulating layer are glued together by adhesive joints distributed according to a freely selectable two-dimensional pattern so as to form several cushion-shaped, insulating air sub-chambers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the carrying bag of Sander with each side section comprising an inner foam layer and an outer insulating layer, each of the layers having respective edge portions, with the inner foam layer and the outer insulating layer being welded together along their respective edge portions

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and forming an insulating air chamber therebetween, wherein the inner foam layer and the outer insulating layer are glued together by adhesive joints distributed according to a freely selectable two-dimensional pattern so as to form several cushion-shaped, insulating air sub-chambers, as suggested in Gatward, in order to provide the bag insulating properties.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,141,336 to Sander and U.S. Patent No. 4,103,487 to Soto and U.S. Patent No. 4,515,840 to Gatward as applied to claims 1 and 3 above, and in further view of U.S. Patent No. 5,128,182 to Bunker et al.

Sander, Soto and Gatward disclose the claimed device, as discussed above, except for the adhesive joints being configured so that the air sub-chambers are connected with one another through air exchange openings and the air exchange openings have a cross-section configured to dampen air exchange between the sub-chambers. Bunker et al. discloses that it is known in the art to provide configure the bonding joints of a carrying bag for foodstuffs such that the air sub-chambers are connected with one another through air exchange openings and the air exchange openings have a cross-section configured to dampen air exchange between the sub-chambers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the adhesive joints of the modified carrying bag for food stuffs of Sander such that the air sub-chambers are connected with one another through air exchange openings and the air exchange openings have a cross-section

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configured to dampen air exchange between the sub-chambers, as suggested in Bunker et al., in order to allow for the maximum amount of air to be trapped between the layers while minimizing the chance of popping or blowing holes in any of the layers.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 714.02 and MPEP 2163.06. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 571-272-4546. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jes F. Pascua/
Primary Examiner, Art Unit 3782